

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CONSANDRA AMERSON,

Plaintiff,

vs.

COUNTY OF CLARK, a political subdivision,
and municipality including its departments,
CLARK COUNTY DEPARTMENT OF
JUVENILE SERVICES and CLARK COUNTY
DEPARTMENT OF FAMILY SERVICES,

Defendants.

Case No.: 2:10-cv-01071-RLH-RJJ

ORDER

(Motion for Attorney Fees
and Costs—#24)

Before the Court is Defendant Clark County, Clark County Department of Juvenile Justice, and the Clark County Department of Family Services' **Motion for Attorney's Fees and Costs** (#24, filed Oct. 4, 2011). The Court has also considered Plaintiff Consandra Amerson's Opposition (#26, filed Oct. 21), and Defendants' Reply (#30, filed Oct. 31).

BACKGROUND

The Court will not give a detailed recitation of the facts of this case but instead directs the reader to its prior order dismissing the complaint. (*See* Dkt. #21.) This was a failure-to-accommodate case based on the Americans with Disabilities Act. The Court dismissed the

1 complaint and now Defendants' seek their attorney's fees and costs. For the reasons discussed
2 below, the Court denies the motion.

3 DISCUSSION

4 Civil rights statutes generally allow the prevailing party an award of attorney's fees.
5 However, when the defendant is the prevailing party, fees are limited to when the plaintiff's claims
6 were "unreasonable, frivolous, meritless, or vexatious." *Christianburg Garment Co. v. EEOC*,
7 434 U.S. 412, 421 (1978). Also, where bad faith is present, it is more likely that a court will assess
8 attorney's fees against a losing plaintiff. *Id.* at 422. The Ninth Circuit applies the *Christianburg*
9 standard in ADA cases. *Summers v. Teichert & Son*, 127 F.3d 1150, 1154 (9th Cir. 1997).

10 Here, Defendants have not convinced the Court that Amerson's complaint was so
11 unreasonable, frivolous, meritless, or vexatious that the Defendants should be awarded attorney's
12 fees. While the Court strongly disagreed with Amerson's position, her arguments held some merit.
13 Thus the Court declines to grant attorney's fees to the Defendants.

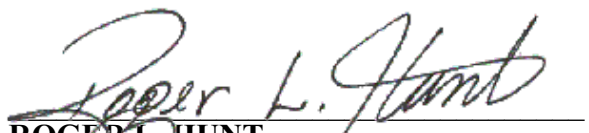
14 As to the costs, the Defendants request goes too far. The Court subtracts the
15 improper request for online research costs and unauthorized copying and printing costs (for such
16 things as document production and medical records) which are not taxable. Thus, Defendants
17 request for \$3,573.71 is reduced to \$1,836.52. This sum consists of deposition transcript costs and
18 postage for the same which are taxable.

19 CONCLUSION

20 Accordingly, and for good cause appearing,

21 IT IS HEREBY ORDERED that Defendants' Motion for Attorney Fees (#24) is
22 GRANTED in part and DENIED in part. Defendants are entitled to costs in the sum of \$1,836.52.

23 Dated: January 26, 2012.

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25 
26 **ROGER L. HUNT**
United States District Judge